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FM AMEMBASSY BANGKOK

TO RUEHC/SECSTATE WASHDC PRIORITY 4247

INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS

RUEHBJ/AMEMBASSY BEIJING 6289

RUEHBY/AMEMBASSY CANBERRA 8991

RUEHUL/AMEMBASSY SEOUL 4865

RUEHKO/AMEMBASSY TOKYO 1005

RUEHWL/AMEMBASSY WELLINGTON 2395

RUEAIIA/CIA WASHINGTON DC

RHEFDIA/DIA WASHDC

RUEHC/DEPT OF LABOR WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 002674

SIPDIS

STATE FOR EAP/MLS, DRL FOR BUCKLEY

E.O. 12958: DECL: 09/05/2018

TAGS: PGOV PHUM PREL KPAO TH

SUBJECT: THAI UNION LEADER STANDS ALONE AMID THREATS AND
LEGAL SETBACKS

REF: A. BANGKOK 01662

1B. BANGKOK 01949

1C. BANGKOK 02344

Classified By: Pol Counselor George Kent, reason 1.4 (b, d)

11. (C) Summary: The abrupt dismissal of labor union leader Jitra Kongdej by garment maker Triumph International on July 29 for alleged slights to the monarchy, and the subsequent prolonged protest by union members, is symptomatic of the ongoing wider battle between pro and anti-Thaksin groups and their willingness to act in alleged defense of Thailand's monarchy. The source of Jitra's legal troubles are rooted in press articles portraying her as an anti-royalist by the Manager Media Group, founded by Sondhi Limthongkul -- who leads the People's Alliance for Democracy (PAD), the group behind 2005-6 anti-Thaksin protests and the current demonstrations against the Samak government. Triumph in turn may also have seized upon the negative publicity against Jitra to fire an active union leader in advance of negotiations for new benefits. Manager Media's articles and allegations not only resulted in the loss of her job, but also made her case untouchable in the eyes of some human rights groups and local-Thai media.

12. (C) Comment: The gulf in Thai society between pro- and anti-government forces heightens the potential for guilt by association; Jitra's free association with figures associated with the anti-coup, pro-government United Front of Democracy against Dictatorship (UDD), currently implicated in provoking violent clashes with the PAD, makes her a tempting collateral target. That said, Jitra's case indicates that the anti-monarchy label remains a powerful tool to grab power, publicity, and support, with potential serious consequences for those accused. The traditional lack of action by Thai-based NGOs and media to cover cases related to perceived slights to the monarchy underscores how lese majeste serves as probably the most significant concern for freedom of speech in Thailand. End Summary and Comment.

What not to wear...

13. (SBU) Triumph International, a joint Swiss-German manufacturer of underwear and swimwear under its subsidiary Body Fashion Thailand, formally discharged labor union leader Jitra Kongdej July 29 for tarnishing the company's image. Triumph cited Jitra's participation in the April 24 TV talk show "Situation" (Krong Satanagan) as reason for her dismissal. Jitra appeared wearing a t-shirt designed by

social activist Chotisak Ongsong; the t-shirt advocated his right not to stand when the King's anthem is played in movie theaters (reftel A).

¶14. (SBU) The provocative topic of the show's discussion -- Jitra advocated working women's access to legal abortion options in Thailand -- paled in comparison to Jitra's wardrobe choice, which sparked a series of critical articles on Manager Media Group's online news site casting her as an anti-royalist; the articles even listed her address and telephone number. Abusive late night phone calls and emails followed. Since the late night calls resembled those she received during her anti-coup activities in 2006, Jitra suspected police involvement.

¶15. (C) When we first met Jitra outside the factory on August 22 in the protest campsite, some of the striking women told us that men on motorcycles - whom they believed to be plain clothed police - verbally harassed them from the street. During our meeting at an empty hotel cafe some distance from the factory, police appeared and walked around the vicinity for the remainder of the interview. Jitra told us that she is routinely followed and that she suspects her phone calls are monitored. Her current fear is that the Thai factory manager will hire a third-party to kill her, taking advantage of domestic political turmoil and ongoing protests at the factory (below). She explained that there is a belief among government and security officials that "those who destroy a labor union will be rewarded by factory leaders all over the country." (Note: Human rights lawyer Somchai Homlaor told us that longtime labor activist and Thaksin supporter Somyot

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Phurksakasemsuk, a former leading member of the United Front for Democracy Against Dictatorship (UDD) in 2006-2007, is rumored to protect Jitra from police or third-party action.)

¶16. (SBU) As a result of Jitra's dismissal, 3000 of the 5000 employees walked-out of the factory in protest and formed a protest tent city outside the factory entrance; Triumph fired 20 union leaders for encouraging workers to leave their jobs. Jitra said that Triumph management had convinced around 400 employees to remain onboard as a counter-protest group and had provided them with over-time pay, free transportation to the factory, meals, and even loud speakers to use when Jitra's group made public announcements. Negotiations between the union and Triumph management ceased on August 29 when a representative from Triumph Headquarters in Switzerland reinstated all protesters, but Triumph refused to rehire Jitra, citing a labor court's decision (below). Jitra filed for a reexamination of her case at the Labor Court, and a hearing was set for September 23.

Triumph Management changes heart

¶17. (C) Jitra told us she still considered Triumph to be a "good governance company," noting that they had always followed international labor standards. According to Jitra, Triumph management told her in April that the company would sue Manager Media for damages if the negative articles about her damaged profit margins. Jitra recalled that management even allowed her to assemble a stage and to use the public address system to refute the anti-monarchy accusations to Triumph employees. (Note: Jitra said that Triumph management videotaped her broadcast and later used the tapes as evidence against her during the trial. End Note.)

¶18. (C) Jitra, an employee since 1993, suspects Manager Media's attempt to link her to Thaksin's camp as an anti-monarchist led Triumph's management to turn against her. During her dismissal, Triumph management stressed to Jitra that the Thai public complained to them about the anti-monarchy t-shirt, as seen in a photo on the Manager website, and online comments suggested that she was activist Chotisak's wife, linking her to lese majeste. Jitra told us

that she loved the King but respected Chotisak's right not to stand for the anthem. She met Chotisak, now a close friend, in activist circles while organizing anti-coup activities in 2006 as Triumph union leader.

Legality, motives questioned

¶9. (C) Triumph filed its initial complaint against Jitra to the Samut Prakan Labor Court seeking to discharge her on May 12. The court consented on July 8, ordering her termination effective immediately. However, Jitra told us that Triumph only notified her on July 29, causing her to miss the 15-day appeal period. Furthermore, Jitra said that she was never summoned to the Labor Court to present her case; the court mailed the summons to an address of five years ago instead of her current address registered with the Triumph factory. She also pointed to the absence of the negotiation process after the verdict was issued. According to Jitra's lawyer, a specialist in labor law, the Samut Prakan Labor Court's omission of the negotiation process was their strongest argument for a re-trial; Jitra has also since filed a complaint at the Human Rights Commission.

¶10. (C) An official at the Department of Labor (DOL) disagreed, claiming Triumph and the court followed the proper legal procedures, and that DOL respected the court's ruling. A labor relations official at the Department of Labor Protection and Welfare told us that Jitra's termination rested solely on the fact that her behavior violated Triumph's regulations. However, the official felt that PAD and Manager Media had manipulated the situation to portray Jitra as anti-monarchy and that Triumph was particularly sensitive about its reputation in Thailand. She added that Triumph was concerned about the image of its products, not wanting Triumph to be seen as against the King.

¶11. (C) Rudy Porter of the Solidarity Center, the AFL-CIO's

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instrumental arm that promotes labor rights abroad, told us that difficulties existed between Triumph and the union for many years, citing other cases where management attempted to fire union leaders. He said that Triumph's claim that Jitra's firing had nothing to do with union activities is questionable. He noted that her dismissal happened after a collective bargaining period when she pushed the company hard and Triumph made public threats that employees might face down-sizing if Triumph met union demands. He claimed: "Sondhi threw a barb her way in his papers, and Triumph seized upon it for their purposes."

¶12. (C) A spokesperson in Triumph's Human Resource Division told us that the company will adhere to whatever ruling is delivered from the September 23 hearing. He added that Jitra was discharged solely because of her "anti-monarchy attitude," as demonstrated by her wearing the t-shirt, and that it had nothing to do with her role in the union. Triumph's reputation and products had been tarnished, he stated, pointing out that the company's name was mentioned during debates in the National Assembly. The debates used Jitra's controversial TV appearance on NBT station to criticize former Minister Jakrapob Penkair's management of the TV station, which is under the Prime Minister's Office.

Fear of Lese Majeste

¶13. (C) The daily protest surrounding Triumph factory and Jitra's case received coverage in local English-language papers like the Bangkok Post, but hardly any Thai-language news outlets covered the events aside from the Manager Media Group. Sunai Phasuk of Human Rights Watch expressed concern about Jitra's case, regretted that the "sensitive nature" of her case, due to the anti-monarchy allegations, limited his involvement, and explained that association with the case

would damage his ability to work as a human rights defender in Thailand. Manager Media's portrayal of Jitra as anti-monarchy mixed with her role as an outspoken labor union leader created an unattractive combination, he opined.

¶14. (C) Porter of the Solidarity Center said that local pro-labor groups, such as the Thai Labor Solidarity Campaign, are trying to help her, but they too remain concerned about being associated with lese majeste. They remember when BBC reporter Jonathan Head was charged with lese majeste after chairing the August 2006 panel discussion that launched the lese majeste campaign against former Minister Jakrapob Penkair which eventually resulted in his resignation. Forum Asia NGO activist Pokpong Lawansiri who is trying to help raise international awareness for Jitra's case told us he viewed PAD's aggressive action in labeling people as anti-royalists as one of the biggest threats to human rights in Thailand.

JOHN